



County of Socorro

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January 20, 2023

Cynthia Canner
IPRA Request Attached
01/13/2023

The County is not in possession of the reports you seek known as, The County Cast Vote Record, and pursuant to the Section 14-2-8(B) of the New Mexico Inspection of Public Records Act: "Nothing in the Inspection of Public Records Act shall be construed to require a public body to **Create** a public record." Please be aware that New Mexico does not use the cast vote report for its canvassing process and pursuant to Section 14-2-9(B), "A custodian is only required to provide the electronic record in the file format in which it exists at the time of the request." Accordingly, there are no responsive documents to this request.

Sincerely,

Betty Saavedra
Socorro County Clerk



PUBLIC RECORDS REQUEST FORM

By law, under the Inspection of Public Records Act, NMSA 1978 Section 14-2-1 *et seq.*, every person has the right to inspect public records of the County of Socorro. The Act also makes compliance with requests to inspect public records an integral part of the routine duties of the officers and employees of the County of Socorro. To view Socorro County's board resolution and full procedures, please visit the Manager's page on our website at www.socorrocounty.net.

REQUESTING

Complete this form to request to inspect public records should and submit it to Michael Hawkes, the Records Custodian, at 210 Park St., Socorro, NM 87801; or Mailing Address: P.O. Box 1, Socorro, NM 87801 or by email to mhawkes@co.socorro.nm.us.

Requestor's Name: Cynthia Canner

Requestor's Address: 590 E Frontage Rd, San Acacia, NM 87831

Telephone #: (505) 263-1274 Email: cindylu65@gmail.com

Request Description: The request must describe the records sought in sufficient detail to enable the Records Custodian to identify and locate the requested records. The records custodian is not required to compile information from the public body's records or otherwise create a new public record in response to a request

Socorro County Cast Vote Record (CVR) from the General Election held on NOVEMBER 8, 2022. Please include the following fields as a minimum: CVR Record #, Timestamp, Tabulator ID, Municipality, Precinct, Batch ID, Record ID, Counting Group, Session Type, Ballot Type ID, Paper Index, Contest, Candidate, Undervotes, Overvotes, Mark Density. To be clear, I am NOT requesting a summary report of votes, I am requesting a per-ballot report. This report is a standard (not created) report that exists on your Election Management System that is easily exported. If you did not already generate this report, you may refer to simple instructions outlined in Chapter 14 of the Dominion User Guide.

The Records Custodian must permit inspection immediately or as soon as practicable, but no later than 15 calendar days after the Records Custodian receives the request. If inspection is not permitted within 3 business days, the person making the request will receive a written response explaining when the records will be available for inspection or when the County of Socorro will respond to the request. If any of the records sought are not available for public inspection, the person making the request is entitled to a written response from the Records Custodian explaining the reasons inspection has been denied. The written denial shall be delivered or mailed within 15 calendar days after the Records Custodian received the request for inspection.

- I wish to arrange an appointment to inspect the records in person
- I request that you send me copies of the records and I have enclosed payment for the reproduction fees and postage with this application (see page 2 for fee details).

Requestor's Signature: *C Canner* Date: January 13, 2023

FOR OFFICE USE ONLY

Date Received: _____ By: _____ Date Response Sent: _____ By: _____

Records sent on _____ By _____ OR viewed by Requestor on: _____

NEW MEXICO

INSPECTION OF PUBLIC RECORDS ACT

COMPLIANCE GUIDE



PROVIDED BY THE OFFICE OF THE
NEW MEXICO ATTORNEY GENERAL



Our Mission

Our mission at the New Mexico Department of Justice is to serve and protect the citizens of New Mexico by honorably carrying out the statutory responsibilities of the Attorney General.

Our Vision

Our vision is to seek, strengthen, and empower partnerships with and among citizens, community and government agencies, law enforcement, and businesses in order to make our community a safer and more prosperous place to live. We must enforce the laws of New Mexico fairly and uniformly to ensure New Mexicans receive justice and equal protection under the law.

As Attorney General, I am pleased to report that we are working hard to make the changes necessary to serve and protect the State of New Mexico. I grew up facing many of the hardships that New Mexicans experience every day, and it is that shared experience that motivates me to be a fierce advocate and a voice for our communities. My outreach efforts will support long-term goals of improving transparency in government and empowering New Mexicans.

The Inspection of Public Records Act (IPRA) is intended to provide the public with access to information about governmental affairs. This Compliance Guide has been prepared to inform the public, state and local government agencies, and all other public bodies subject to the IPRA about its requirements and applications. The law requires public access to virtually all public records. While there are legitimate exceptions, most records are available for public inspection. We encourage public officials to be reasonable in providing public access and to honor all legitimate requests for records. The responsibilities of supporting, complying with, and enforcing IPRA lie with citizens, agencies, District Attorneys and the Attorney General. This guide is intended to assist public officials in their efforts to govern in a transparent manner, and will help New Mexicans understand their right to inspect public records.

A handwritten signature in black ink, appearing to read "Hector Balderas". The signature is stylized and cursive.

HECTOR BALDERAS
Attorney General of New Mexico
2015

Table of Contents

I.	Introduction	1
II.	Inspection of Public Records Act	2
III.	Section 14-2-1. Right to Inspect Public Records	7
	A. Right to Inspect Public Records	7
	B. Exceptions	8
	1. Medical Records	8
	2. Letters of Reference	8
	3. Matters of Opinion	9
	4. Law Enforcement Records	10
	5. Confidential Materials Act	13
	6. Public Hospital Records	13
	7. Tactical Response Plans	14
	8. Protected Personal Identifier Information	14
	9. Other Laws	15
	10. End of Countervailing Public Policy Exception and Executive Privilege Clarified ...	20
IV.	Section 14-2-5. Purpose of Act; Declaration of Public Policy	22
V.	Section 14-2-6. Definitions	23
	A. Custodian	23
	B. File Format	23
	C. Inspect	23
	D. Person	24
	E. Protected Personal Identifier Information	24
	F. Public Body	24
	G. Public Records	25
VI.	Section 14-2-7. Designation of Custodian; Duties	28
	A. Designation of Custodian	28
	B. Response in Same Medium	28
	C. Reasonable Opportunity to Inspect	28
	D. Reasonable Facilities to Make or Furnish Copies	29
	E. Public Notice Describing Procedures for Requesting Inspection	29
 VII.	Section 14-2-8. Procedure for Requesting Records	31
	A. Oral or Written Request	31
 B.	Creation of Public Records	32
	C. Content of Written Records	32
	D. Time for Inspection	33
	E. Redirecting Inspection Requests	33
	F. Written Request Includes Email and Facsimile	34
VIII.	Section 14-2-9. Procedure for Inspection	35
	A. Records Containing Exempt and Nonexempt Information	35
	B. Electronic Copies	36
	C. Copy Fees	36
	D. Sale of Data	37
IX.	Section 14-2-10. Procedure for Excessively Burdensome or Broad Requests	38

VII. Section 14-2-8. Procedure for Requesting Records

The Law

A. Any person wishing to inspect public records may submit an oral or written request to the custodian. However, the procedures set forth in this section shall be in response to a written request. The failure to respond to an oral request shall not subject the custodian to any penalty.

B. Nothing in the Inspection of Public Records Act shall be construed to require a public body to create a public record.

C. A written request shall provide the name, address and telephone number of the person seeking access to the records and shall identify the records sought with reasonable particularity. No person requesting records shall be required to state the reason for inspecting the records.

D. A custodian receiving a written request shall permit the inspection immediately or as soon as is practicable under the circumstances, but not later than fifteen days after receiving a written request. If the inspection is not permitted within three business days, the custodian shall explain in writing when the records will be available for inspection or when the public body will respond to the request. The three-day period shall not begin until the written request is delivered to the office of the custodian.

E. In the event that a written request is not made to the custodian having possession of or responsibility for the public records requested, the person receiving the request shall promptly forward the request to the custodian of the requested public records, if known, and notify the requester. The notification to the requester

shall state the reason for the absence of the records from that person's custody or control,

the records' location and the name and address of the custodian.

F. For the purposes of this section, "written request" includes an electronic communication, including email or facsimile; provided that the request complies with the requirements of Subsection C of this section.

Commentary

A. ORAL OR WRITTEN REQUEST

To obtain full advantage of the inspection right provided by the Act, a request to inspect public records should be made in writing. The Act does not prohibit oral requests (and, in fact, expressly authorizes them), but if an oral request is made, the time constraints imposed on a public body for allowing inspection and the procedures discussed below for forwarding a request will not apply. In addition, a custodian who fails to respond to an oral request is not subject to any of the penalties imposed under the Act. Nevertheless, a records custodian cannot ignore an inspection request solely because it is oral. In all cases involving legitimate inspection requests, oral or otherwise, a records custodian should respond readily and provide the requested material in a timely manner, unless the materials are clearly protected.

Example 46:

A citizen of a municipality goes to the city personnel office and asks the records custodian for a copy of a specific city employee's salary history. The salary history is public information. The records custodian is able to immediately access the information and provides it to the requester within 15 minutes of oral the request, thus satisfying the

requirements of the Act.

B. CREATION OF PUBLIC RECORDS

The right to inspect applies to any nonexempt public record that exists at the time of the request. A records custodian or public body is not required to compile information from the public body's records or otherwise create a new public record in response to a request.

Example 47:

A person asks a county personnel officer for a list of all employees with college degrees. The office does not keep lists of employees with college degrees, although college degree information may be included in an employee's personnel file. The records custodian is not required to go through each file to find and list employees with college degrees. It may, however, make the nonexempt portions of all personnel files available to the requester so she can peruse them in search of employees with college degrees.

C. CONTENT OF WRITTEN REQUESTS

A written request for public records must include the requester's name, address and telephone number, and must identify the records sought with reasonable particularity. (See Appendix II, Form I.) By "reasonable particularity" the Act does not mean that a person must identify the exact record needed, but the description provided should be sufficient to enable the custodian to identify and find the requested record.

Example 48:

A person goes to the offices of the municipal air pollution control board and fills out a records request form. In the space provided for a description of the records requested he asks to see all complaints about noxious automobile emissions filed with the municipal air pollution control board. (The board has a policy of making complaints public and complainants are informed

of the policy when they file a complaint.) The custodian refuses to allow inspection unless the requester identifies the particular vehicle or vehicles that are the subject of the complaint. The custodian's requirement is unreasonable because the requester has identified the records he wants to see with sufficient particularity to enable the custodian to locate and identify them.

Commentary

A person has the right under the Act to inspect public records for any or no reason, including idle curiosity or personal gain. The Act provides that a custodian may not require a requester to state why he or she wants to see a record. However, other statutes governing particular records may restrict their use in certain circumstances.

Example 49:

A pharmaceutical salesman wants to put together a mailing list of all the doctors in the state so he can send them samples of his various drugs. He may inspect records of public agencies to put together the list. He may not, however, demand that the agency compile such a list if one is not already available.

Example 50:

A business requests a copy of the Taxation and Revenue Department's unclaimed property database. Even if the records requested are otherwise public, the applicable state statute prohibits use of a state agency's computerized database for solicitation or advertisement when the database contains the name, address or telephone number of any person unless such use is otherwise specifically authorized by law. A person who uses or permits the unauthorized use of a database may be subject to criminal penalties. In its records request form, the Department may not require the business to state its reason for inspecting the database, but, to help protect itself from criminal liability, may require the business to sign a sworn statement asserting that the database will not be used for solicitation or advertisement.

Commentary